



**U.S. Citizenship  
and Immigration  
Services**

**Non-Precedent Decision of the  
Administrative Appeals Office**

In Re: 8260597

Date: MAY 27, 2020

Appeal of Nebraska Service Center Decision

Form I-140, Immigrant Petition for Alien Worker (Extraordinary Ability)

The Petitioner, a judo and sambo athlete and coach, seeks classification as an individual of extraordinary ability. *See* Immigration and Nationality Act (the Act) section 203(b)(1)(A), 8 U.S.C. § 1153(b)(1)(A). This first preference classification makes immigrant visas available to those who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in their field through extensive documentation.

The Director of the Nebraska Service Center denied the petition, concluding that the Petitioner did not satisfy any of the ten initial evidentiary criteria for this classification, of which he must meet at least three. The Director further determined that the Petitioner did not establish that he is coming to the United States to continue work in his area of expertise, or that his entry would substantially benefit prospectively the United States. The matter is now before us on appeal.

The petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. Section 291 of the Act; *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010). The Administrative Appeals Office (AAO) reviews the questions in this matter de novo. *See Matter of Christo's Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon *de novo* review, we will dismiss the appeal.

**I. LAW**

Section 203(b)(1) of the Act makes visas available to immigrants with extraordinary ability if:

- (i) the alien has extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation,
- (ii) the alien seeks to enter the United States to continue work in the area of extraordinary ability, and
- (iii) the alien's entry into the United States will substantially benefit prospectively the United States.

The term “extraordinary ability” refers only to those individuals in “that small percentage who have risen to the very top of the field of endeavor.” 8 C.F.R. § 204.5(h)(2). The implementing regulation at 8 C.F.R. § 204.5(h)(3) sets forth a multi-part analysis. First, a petitioner can demonstrate sustained acclaim and the recognition of his or her achievements in the field through a one-time achievement (that is, a major, internationally recognized award). If that petitioner does not submit this evidence, then he or she must provide sufficient qualifying documentation that meets at least three of the ten categories listed at 8 C.F.R. § 204.5(h)(3)(i) – (x) (including items such as awards, published material in certain media, and scholarly articles).

Where a petitioner meets these initial evidence requirements, we then consider the totality of the material provided in a final merits determination and assess whether the record shows sustained national or international acclaim and demonstrates that the individual is among the small percentage at the very top of the field of endeavor. *See Kazarian v. USCIS*, 596 F.3d 1115 (9th Cir. 2010).

## II. ANALYSIS

The Petitioner is a sambo and judo athlete and coach and indicates that he intends to work as a judo instructor in the United States. The Petitioner claims that he has received a major, internationally recognized award, and, in the alternative, that he has satisfied six of the ten initial regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)–(x).

### A. One-time Achievement

The regulation at 8 C.F.R. § 204.5(h)(3) states that a petitioner may submit evidence of a one-time achievement that is a major, internationally recognized award. The Petitioner claims that his bronze medal awarded at the [ ] World Sambo Championship is a major, internationally recognized award and therefore constitutes a qualifying one-time achievement.

Given Congress’s intent to restrict this category to “that small percentage of individuals who have risen to the very top of their field of endeavor,” the regulation permitting eligibility based on a one-time achievement must be interpreted very narrowly, with only a small handful of awards qualifying as major, internationally recognized awards. *See* H.R. Rep. 101-723, 59 (Sept. 19, 1990), *reprinted in* 1990 U.S.C.C.A.N. 6710, 1990 WL 200418 at \*6739. Given that the House Report specifically cited to the Nobel Prize as an example of a one-time achievement, examples of one-time awards which enjoy major, international recognition may include the Pulitzer Prize, the Academy Award, and (most relevant for athletics) an Olympic Medal. The regulation is consistent with this legislative history, stating that a one-time achievement must be a *major, internationally recognized* award. 8 C.F.R. § 204.5(h)(3). The selection of Nobel Laureates, the example provided by Congress, is reported in the top media internationally regardless of the nationality of the awardees, is a familiar name to the public at large and includes a large cash prize.

While an internationally recognized award could conceivably constitute a one-time achievement without meeting all those elements, it is clear from the example provided by Congress that the award must be global in scope and internationally recognized in the alien’s field as one of the top awards in that field.

The Petitioner provided evidence of his bronze medal finish in his weight category at the World Sambo Championship in [ ] including the official results of the competition as posted by the International Sambo Federation (FIAS), the international governing body of the sport.

While the Petitioner's bronze medal is a notable athletic achievement, the regulation at 8 C.F.R. § 204.5(h)(3) requires the one-time achievement to be "a major, international[ly] recognized award." The Petitioner did not present evidence, for example, establishing that the competition is widely reported by international media, is recognized by the general public, or garners attention comparable to other major, globally recognized awards such as Academy Award winners. He provided evidence that his receipt of the award was covered by a sports publication in his native country of Tajikistan, but the record does not contain evidence of international coverage of this event.

Accordingly, the Petitioner has not demonstrated that his receipt of a bronze medal at the [ ] World Sambo Championships meets the requirements of a one-time achievement.

#### B. Evidentiary Criteria

Because the Petitioner has not established that he has received a major, internationally recognized award, he must satisfy at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x). In denying the petition, the Director concluded that the Petitioner did not satisfy any of the regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x). The Petitioner maintains that he has satisfied six of the ten criteria, discussed below.

We have reviewed all the evidence in the record and conclude that it does not show that the Petitioner satisfies the requirements of at least three criteria.

*Documentation of the individual's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor. 8 C.F.R. § 204.5(h)(3)(i)*

The Director determined that the Petitioner did not meet this criterion because the record did not establish the prizes and awards, he has received are nationally or internationally recognized. However, we find sufficient evidence to establish that the Petitioner's bronze medal received at the [ ] World Sambo Championship meets the requirements of this criterion.

*Documentation of the individual's membership in associations in the field for which classification is sought, which require outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields. 8 C.F.R. § 204.5(h)(3)(ii)*

The Petitioner claims that he meets this criterion based upon his former membership on the Tajikistan National Sambo Team and on the [ ] Veteran Judo and Sambo Team.

The president and the secretary general of the Sambo Federation of the Republic of Tajikistan, as well as other individuals who claimed to have recommended the Petitioner for membership, submitted letters attesting to the Petitioner's membership on Tajikistan's national team from [ ]

These letters uniformly state that “Tajikistan National Sambo Team membership requires outstanding achievements in the field of Sambo, as judged by nationally or internationally recognized experts in the field of Sambo.” The individuals providing letters did not specify the Petitioner’s qualifying achievements or identify the experts who judged them. Although the letters indicate that the Petitioner was admitted to the team in [ ] based on his “outstanding achievements,” the record does not identify his achievements in the sport of sambo prior to 2003.

Similarly, a letter from [ ] head coach of the [ ] Veteran Judo and Sambo Team, states that this team “requires outstanding achievements of its members, as judged by nationally and internationally recognized experts in the fields of judo and sambo.” The phrase “outstanding achievements . . . as judged by nationally or internationally recognized experts” appears multiple times in each of the letters submitted in support of this criterion, but this repetition of this language does not suffice to establish eligibility. *Cf. Fedin Bros. Co., Ltd. v. Sava*, 724 F. Supp. 1103, 1108 (E.D.N.Y. 1989), *aff’d*, 905 F.2d 41 (2d Cir. 1990) (merely repeating the language of the statute or regulations does not satisfy a petitioner’s burden of proof). In addition, in comparing the letters, they contain large portions of identical or virtually identical language consistent with a common source. If testimonial material lacks specificity, detail, or credibility, there is a greater need for the Petitioner to furnish corroborative items. *Matter of Y-B-*, 21 I&N Dec. 1136 (BIA 1998).

In a request for evidence (RFE), the Director advised the Petitioner that letters repeating the regulatory language are not sufficient and requested the team’s or association’s constitution or bylaws (to establish membership requirements) and evidence that the admitting authorities are recognized national or international experts.

In response, the Petitioner did not submit the requested evidence or explain its absence, nor did the response address the requirements of membership on the [ ] Veteran Judo and Sambo Team. The Petitioner submitted a second letter from [ ] National Sambo Federation of Tajikistan, who names some current and former members of the Tajikistan National Sambo Team and their achievements. He states that the Petitioner was accepted “at the same level of membership” as the listed athletes, and as such, “his acceptance to the team clearly demonstrates membership in the team that requires outstanding achievements of its members as judged by recognized national or international experts in the field of Sambo.” He also reiterates that the Petitioner was on the team from [ ]

In the denial notice, the Director determined that the Petitioner had not submitted objective evidence to satisfy this criterion. In particular, the Director noted the absence of documentary evidence to establish the requirements for the Petitioner’s claimed memberships.

On appeal, the Petitioner asserts that the Director erred in determining that the referenced teams do not require outstanding achievements of their members and by finding that “the Team does not qualify as an organization, as INA does not define an organization in this context,” although the Director did not make such a finding. The Petitioner does not address or rebut the Director’s determination that the record lacks documentary evidence of the referenced teams’ membership requirements.

The letters provided are not sufficiently specific with respect to the national team membership requirements or selection processes and the record does not contain corroborating evidence, such as

official rules or procedures from the national federation of the sport. The Petitioner must show that he meets every element of a given criterion. Based on the above, the Petitioner did not demonstrate that he satisfies this criterion.

*Published material about the individual in professional or major trade publications or other major media, relating to the individual's work in the field for which classification is sought. Such evidence shall include the title, date, and author of the material, and any necessary translation. 8 C.F.R. § 204.5(h)(3)(iii).*

The Director found that the submitted evidence does not satisfy this criterion and we agree with that determination. Specifically, the Petitioner did not demonstrate published material about him in professional or major trade publications or other major media, including the author of the material.<sup>1</sup>

The record contains one print article published in the Tajik newspaper *Varzish-Sport* in [REDACTED]. The article is about the Petitioner and his receipt of the bronze medal at the World Sambo Championship held in [REDACTED] and it includes the title, date and author of the material, along with an English translation.

However, the Petitioner did not provide evidence establishing that *Varvish-Sport* is a professional or major trade publications or other major media.<sup>2</sup> The Petitioner submitted a letter from the publication's "director" who states that *Varvish-Sport*, a newspaper focused on sports news, is published twice a week. According to the publisher, it is "the largest sports publication in Tajikistan," with a total circulation of "more than 7 thousand copies" and a broader reach through its website and social media. The self-serving information from the publisher is not sufficient to demonstrate that the publication qualifies as major media. USCIS need not rely solely on self-serving assertions.<sup>3</sup> The Petitioner did not provide evidence showing the distribution of *Varzish-Sport* relative to other Tajikistani media to demonstrate that the submitted article was published in a major medium. Further, the record does not contain evidence that the submitted article was posted on the publication's website or include circulation figures for the website relative to other online publications.

In light of the above, the Petitioner has not established that he meets this criterion.

*Evidence of the individual's participation, either individually or on a panel, as a judge of the work of others in the same or an allied field of specialization for which classification is sought. 8 C.F.R. § 204.5(h)(3)(iv).*

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<sup>1</sup> See USCIS Policy Memorandum PM 602-0005.1, Evaluation of Evidence Submitted with Certain Form I-140 Petitions; Revisions to the Adjudicator's Field Manual (AFM) Chapter 22.2, AFM Update AD11-14 7 (Dec. 22, 2010), <https://www.uscis.gov/policymanual/HTML/PolicyManual.html>.

<sup>2</sup> *Id.* (instructing that evidence of published material in professional or major trade publication or in other major media publications should establish that the circulation (on-line or in print) is high compared to other circulation statistics and show the intended audience of the publication).

<sup>3</sup> The Board of Immigration Appeals (the Board) has held that testimony should not be disregarded simply because it is "self-serving." See e.g., *Matter of S-A-*, 22 I&N Dec. 1328, 1332 (BIA 2000) (citing cases). The Board also held, however: "We not only encourage, but require the introduction of corroborative testimonial and documentary evidence, where available." *Id.*

At the time of filing, the Petitioner stated that, between 2007 and 2009, he served as a judge “at the official national judo and sambo championships” where he “judged the work of other athletes in judo and sambo.” He submitted a letter from [REDACTED] of the Sambo Federation of the Republic of Tajikistan, who stated that the Petitioner “is the judge of national category of the 1st class wrestling sambo.” [REDACTED]’s letter lists 20 events held in Tajikistan between 2006 and 2013 and indicates that the Petitioner served at each of these events in one of the following capacities: deputy chief judge, chief judge, deputy chief referee, deputy chief secretary, and chief secretary. The listed events including city championships, republican championships, and republican tournaments.

In the RFE, the Director acknowledged [REDACTED]’s letter, but advised the Petitioner that he did not provide sufficient details regarding his duties as a judge to demonstrate whether the referee, judge and secretary roles listed in that letter involved judging the work or skills of competitors. The Director further noted that the record lacked evidence such as official competition rules for the listed tournaments to demonstrate that the Petitioner’s participation met the requirements of this criterion.

In response, the Petitioner reiterated that he served as a judge at the official national judo and sambo championships in “2007-2009” and “judged the work of other athletes in judo and sambo.” The Director determined that the Petitioner did not submit any additional evidence related to this criterion in response to the RFE. However, the record reflects that RFE response included a letter from [REDACTED] of the Tajikistan National Sambo Federation, who confirmed on behalf of the federation that “between 2007-2009, [the Petitioner] served as a judge at official national Sambo championships, where he judged the performance of other Sambo established athletes.” [REDACTED] stated that his duties as a judge included: monitoring referees; disqualification of athletes; imposing scoring penalties; and adjudicating final results of a competition.

We find that the two letters from officials of the Tajikistan National Sambo Federation lack consistency regarding the Petitioner’s service as a judge are therefore insufficient to establish that the Petitioner meets this criterion. Although [REDACTED] provides a list of 20 competitions, and identifies the Petitioner’s role, and the year and location of each event, his statement that the Petitioner served as a judge at events held in Tajikistan between 2006 and 2013 is inconsistent with the Petitioner’s own claim that he served as a judge only between 2007 and 2009, a claim that is repeated by [REDACTED]

Depending on the specificity, detail, and credibility of a letter, USCIS may give the document more or less persuasive weight in a proceeding. The Board of Immigration Appeals (the Board) has held that testimony should not be disregarded simply because it is “self-serving.” *See e.g., Matter of S-A-*, 22 I&N Dec. 1328, 1332 (BIA 2000) (citing cases). The Board also held, however: “We not only encourage, but require the introduction of corroborative testimonial and documentary evidence, where available.” *Id.* If testimonial evidence lacks specificity, detail, or credibility, there is a greater need for the petitioner to submit corroborative evidence. *Matter of Y-B-*, 21 I&N Dec. 1136 (BIA 1998). Here, the Petitioner relied solely on the aforementioned letters and did not submit corroborating evidence, such as his documentation corroborating [REDACTED]’s statement that he held a “1<sup>st</sup> class wrestling sambo” judging credential, his event-specific judging credentials, or official records from one or more events in which he claims he served as a judge, to show that he both possesses the necessary qualifications as a judge and actually participated as a judge in the claimed national

championship competitions and other events. Based on the foregoing, the Petitioner did not establish that he satisfies this criterion.

*Evidence of the individual's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field.* 8 C.F.R. § 204.5(h)(3)(v).

In order to meet this criterion, a petitioner must establish that he has made original contributions of major significance in the field.<sup>4</sup> For example, a petitioner may show that his contributions have been widely implemented throughout the field, have remarkably impacted or influenced the field, or have otherwise risen to a level of major significance in the field. The Petitioner contends that he meets this criterion “by virtue of winning major national and international competitions” and that his “accomplishments in his athletic field constitute a contribution of major significance to the sport of Sambo.” He argues that the Director did not give appropriate weight to the submitted expert testimonials.

In addition to the letters already discussed, the Petitioner provided letters from fellow sambo athletes [redacted], [redacted], [redacted], and [redacted] in support of this criterion. The letters are all similar in content and note the Petitioner’s membership on the Tajikistan national team (as both an athlete and assistant head coach), indicate that he served as a judge from 2007 to 2009, describe him as “one of the few who has developed his own unique style in judo and sambo, which allows him to excel in a variety of judo and sambo forms at the level that is truly superb,” and summarize his results in “major national and international” sambo and judo competitions. These letters also state that “[the Petitioner’s] accomplishments in the field of sambo earned him the distinguished title of Master of Sport, International Class” in sambo, which is “granted only to those outstanding athletes who have achieved success in major international tournaments . . . .”

The Petitioner’s achievements in sambo and judo competitions and tournaments are more relevant to the awards category of evidence at 8 C.F.R. § 204.5(h)(3)(i), a separate and distinct criterion that he has already satisfied. Consistent with the regulatory requirement that a petitioner meet at least three separate criteria, we will generally not consider here evidence relating to the awards criterion. Regardless, the Petitioner did not establish that his competitive athletic results were indicative of original athletic contributions of major significance in the overall field.<sup>5</sup> Likewise, the Petitioner did not demonstrate how his “Master of Sport, International Class, in Sambo” qualifies as an original contribution of major significance in the field. He did not show, for example, that the title was awarded to him because he had made an original contribution that significantly impacted the sport or explain how it is otherwise majorly significant in the sport.

Although the authors summarized the Petitioner’s career and highlighted his achievements, they did not establish how they reflect original contributions of major significance in the field. In addition, having a diverse or unique skill set is not a contribution of major significance in-and-of-itself. Rather, the record must be supported by evidence that the Petitioner has already used those skills and abilities to impact the field at a significant level. In the case here, the Petitioner did not establish how his

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<sup>4</sup> See USCIS Policy Memorandum PM 602-0005.1, *supra*, at 8 (finding that although work may be “original,” this fact alone is not sufficient to establish that the work is of major significance).

<sup>5</sup> *Id.* at 8-9; see also *Visinscaia v. Beers*, 4 F. Supp. 3d 126, 134-35 (D.D.C. 2013) (upholding a finding that a ballroom dancer had not met this criterion because she did not corroborate her impact in the field as a whole).

physical abilities and “unique style” are viewed as an original contribution, as well as how they have significantly influenced the field.

The letters submitted primarily contain attestations of the Petitioner’s status in his sport without providing specific examples of original contributions that rise to a level consistent with major significance. Letters that specifically articulate how a petitioner’s contributions are of major significance to the field and its impact on subsequent work add value.<sup>6</sup> Letters that lack specifics and use hyperbolic language do not add value, and are not considered to be probative evidence that may form the basis for meeting this criterion.<sup>7</sup> Moreover, USCIS need not accept primarily conclusory statements. *1756, Inc. v. U.S. Att’y Gen.*, 745 F. Supp. 9, 15 (D.C. Dist. 1990).

While the Petitioner has competed in competitions and tournaments at the national and international level and also in related activities such as coaching, he has not shown how these activities equate to “original” athletic contributions of major significance in the field.

#### B. Summary and Reserved Issues

As explained above, we find that although the Petitioner satisfies the awards criterion at 8 C.F.R. § 204.5(h)(3)(i), he does not meet any additional criteria on appeal relating to membership in associations, published materials, judging, and original contributions. Although he argues and submits evidence for one additional criterion on appeal, relating to leading or critical role for organizations or establishments at 8 C.F.R. § 204.5(h)(3)(x), we need not reach this additional ground. As the Petitioner cannot fulfill the initial evidentiary requirement of three criteria under 8 C.F.R. § 204.5(h)(3), we reserve this issue.<sup>8</sup> Similarly, since the identified basis for denial is dispositive of the appeal, we decline to reach and hereby reserve the Director’s separate determinations that the Petitioner did not establish that he is coming to “continue work in the area of extraordinary ability” and that his entry would “substantially benefit prospectively the United States” under section 203(b)(1)(A)(ii) and (iii) of the Act.

### III. CONCLUSION

The Petitioner has not submitted the required initial evidence of either a one-time achievement or documents that meet at least three of the ten criteria. Accordingly, we need not provide the type of final merits determination referenced in *Kazarian*, 596 F.3d at 1119-20. Nevertheless, we advise that we have reviewed the record in the aggregate, concluding that it does not support a finding that the Petitioner has established the acclaim and recognition required for the classification sought.

The Petitioner seeks a highly restrictive visa classification, intended for individuals already at the top of their respective fields, rather than for individuals progressing toward the top. USCIS has long held that even athletes performing at the major league level do not automatically meet the “extraordinary ability” standard. *Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm’r 1994). Here, the Petitioner has not shown that the significance of his work is indicative of the required sustained national or

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<sup>6</sup> See USCIS Policy Memorandum PM 602-0005.1, *supra*, at 8-9.

<sup>7</sup> *Id.* at 9.

<sup>8</sup> See *INS v. Bagamasbad*, 429 U.S. 24, 25-26 (1976) (stating that, like courts, federal agencies are not generally required to make findings and decisions unnecessary to the results they reach.)



international acclaim or that it is consistent with a “career of acclaimed work in the field” as contemplated by Congress. H.R. Rep. No. 101-723, 59 (Sept. 19, 1990); *see also* section 203(b)(1)(A) of the Act. Moreover, the record does not otherwise demonstrate that the Petitioner has garnered national or international acclaim in the field, and he is one of the small percentage who has risen to the very top of the field of endeavor. *See* section 203(b)(1)(A) of the Act and 8 C.F.R. § 204.5(h)(2).

For the reasons discussed above, the Petitioner has not demonstrated his eligibility as an individual of extraordinary ability. The appeal will be dismissed for the above stated reasons, with each considered as an independent and alternate basis for the decision.

**ORDER:** The appeal is dismissed.